

ORDINANCE NO. 0-02-48

BE IT ENACTED BY THE QUORUM COURT OF GARLAND COUNTY, STATE OF ARKANSAS, AN ORDINANCE TO BE ENTITLED:

"AN ORDINANCE TO AMEND THE GARLAND COUNTY SOLID WASTE MANAGEMENT SYSTEM HOUSEHOLD AND COMMERCIAL COLLECTION RULES AND REGULATIONS ESTABLISHED BY ORDINANCE NO. O-96-36, AS AMENDED BY O-97-10 AND O-97-11, AND FOR OTHER PURPOSES."

WHEREAS, Ordinance No. O-96-36, as amended by O-97-10 and O-97-11, established the Garland County Solid Waste Management System Household and Commercial Collection Rules and Regulations for the collection of solid waste in Garland County, Arkansas; and,

WHEREAS, this ordinance required the Garland County Quorum Court to establish the services to be provided therein; and,

WHEREAS, the Solid Waste Management Committee has previously met and recommended the changes consistent with this ordinance.

NOW, THEREFORE, BE IT ENACTED BY THE QUORUM COURT OF GARLAND COUNTY, ARKANSAS:

ARTICLE I. That the Garland County Solid Waste Management System Household and Commercial Collection Rules and Regulations established by Ordinance O-96-36, as amended by Ordinances O-97-10 and O-97-11, are hereby amended to read as follows:

* Section 2.A All permanently or temporarily occupied residences in the unincorporated areas of the County excluding the incorporated municipalities of Hot Springs, Mountain Pine, and the unincorporated private community of Hot Springs Village shall be provided with house-to-house street-side solid waste collection service.

Section 3.B. Unless otherwise notified by the GCSW Department or the Contractor, the approved place for the residential container to be tipped on a scheduled day shall be at the corner of the resident's driveway and the nearest public access road that is accessible to the collection truck. Accessibility is based on the judgement of the GCSW Department with consideration for the needs of the contractor and resident and is contingent upon having a turn-around area, ample road width, road quality, adequate bridge tolerances, limb and other obstructions, liability, and other factors that may be deemed significant for consistent safe and economical weekly collection service.

Section 3.D. If a person desires their container emptied, the resident shall have their container properly positioned and their pickup site accessible to the collection truck.

Section 3.H. Any littering or mess resulting from the tipping of a container not completely closed or resulting from solid waste being placed outside of a residential container or resulting from excessive liquid content within a container or is caused by improperly positioning container is the responsibility of the person assigned to that container.

Section 4.A. Those residents requesting at-the-door or assisted collection service because of a disability must confirm that they are incapable of positioning the

container and are without the aid of an attendant, family member, or regular occupant of the residence capable of performing the proper placement of the container.

* Section 6.C. All residences suitable for occupancy are required to participate in the residential collection service and will be charged ~~except for the time that the residence is not habitable for a period of more than one (1) year, as confirmed by the Director or designee. A completed "Affidavit of Vacancy" form is required from a customer desiring to not be billed for that residence and must be signed by the Director or designee that the residence is not suitable for habitation.~~ The Director or designee will annually confirm that the residence is not suitable for habitation or the residence will be placed back into the system for residential collection service.

* Section 6.D. County residents will be billed for the time they own a continually or intermittently occupied residence within the service area of the County.

Section 6.E. Utility companies and governmental service districts providing service within the County are required to furnish upon request a list of recent hookups to their service system every month or quarterly beginning in January 2003. If requested, the Solid Waste Department will compensate them for their reasonable costs for providing these lists of hookups.

Section 7.D. The owner of multiple unit housing establishments, whether rented or leased by lot or dwelling, shall be billed for collection service, shall be considered the resident assigned the residential cart or commercial container, and shall be responsible to the GCSW Department for the payment of collection services charges.

Section 8.L. When plastic residential cart or metal commercial containers are used in a rental, or lease unit, or other commercial investment establishments, the owner shall be billed for collection service, shall be considered the resident assigned the residential cart or commercial container, and shall be responsible to the GCSW Department for the payment of collection service charges.

Section 9.A. With ADEQ approval, the GCSW Department will endeavor to provide a place in which residents can bring containerized and properly labeled household hazardous waste for recycling, swapping with other persons, or proper disposal in order to discourage their inclusion in the waste stream.

Section 10.B. The County shall encourage the use of individual residential compost piles by providing public information on designing and operating home compost piles. Residents who generate significant amounts of yard waste and do not want to compost the material can bring their yard waste to the Landfill for mixing with the wood scrap that is to be processed for compost material. Yard waste with wood less than six (6) inches in diameter that is brought to the Landfill is not subject to disposal fees but must be free of plastic, refuse, garbage, trash, paper, non-wood debris, garbage, and excessive soil. The resident is responsible for making sure the yard waste is free of such inappropriate waste matter, including the trash bags the yard waste was brought in, and must comply with the directions for sorting given by Landfill personnel in order to have free disposal of the yard waste.

Section 11.E. Mixed loads of Class 1 and Class 4 solid waste will be charged as if they were all Class 1 solid waste and haulers must sort the waste according to the Landfill Manager or designee.

Section 11.I. A contracted or paid hauler is responsible for all sorting and fee requirements at the Landfill and any county, state, and federal regulations for the hauling of solid waste. Contractors are not afforded free dumping privileges of specific items at the landfill, nor for free days at the landfill. These are for residential cart customers only.

Section 11.K. Building and demolition contractors, roofers, landscapers, handyman services, remodelers, clean up services, and any other business or

individual that generates large amounts of demolition, building, yard waste, or other Class I or Class 4 solid waste not receiving commercial container pickup service from the County must transport all solid waste they generate to the County Landfill and Landfill Transfer Station for weighing and disposal. Sorting of the material for disposal or recycling at the Landfill is the hauler's responsibility.

Section 15.B. The County shall endeavor to provide space and/or containers for the recycling of yard waste, ferrous and nonferrous metals, waste motor oil, tires, and batteries. Transfer stations will not accept yard waste. Recyclables may be added or deleted by the Director from this list for free acceptance of recyclables at the Landfill and/or transfer stations as economics and handling conditions dictate.

Section 15.C. Any quantity of yard waste that is free of inappropriate solid waste matter shall be exempt from all disposal fees at the Landfill for residents as long as the resident unloads the yard waste and removes any plastic bags or other contaminants from the yard waste and disposes of the empty bags and other contaminants in the transfer station.

Section 16.B. The County shall endeavor to provide recycling of certain household hazardous wastes.

Section 16.C. All hazardous waste and bio-hazardous waste must not be allowed by anyone to enter the solid waste stream of the County. Those caught deliberately introducing hazardous or bio-hazardous waste in the solid waste stream of the County is in violation of these rules and regulations.

Section 16.D. The Director can upon request obtain information from medical facilities and their contracted haulers as to their disposal practices of medical wastes.

Section 16.E. When hazardous waste is discovered in an illegal dump, the proper authorities shall immediately be contacted and no attempt to cleanup the hazardous waste will be made by County personnel. If identification is made as to the owner of the hazardous waste, the owner of the waste shall be responsible for all expenses involved in the cleanup.

Section 21.1 "ADEQ" means the Arkansas Department of Environmental Quality.

Section 21.38. "Residential container" or "cart" means an approved water-tight heavy duty plastic container owned by the County and provided to all residential units for residential house-to-house collection.

Note: ADPC&E is replaced with ADEQ throughout the documents.

ARTICLE 2. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

ATTEST: Nancy Johnson
Nancy Johnson
Garland County Clerk

APPROVED: Larry Williams
Larry Williams
Garland County Judge

SPONSOR: Rick Lorimor
Rick Lorimor
Justice of the Peace

DATE: 10/31/02